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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/728,961

12/08/2003

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06/13/2008

EXAMINER

RICHTMAN, GLENNE

ART UNIT

PAPER NUMBER

3764

MAIL DATE

DELIVERY MODE

06/13/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/728,961

Applicant(s)

HUFFMAN, LARRY D.

Examiner

/Glenn Richman/

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The rejection from the prior office action is maintained and incorporated herein by reference.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 11-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Resk in view of Huang.

Resk discloses first and second spaced parallel bars (16,18).

Resk does not disclose a double-acting sealed cylinder having first and second ends; the first end being closed and the second end having an opening with a seal for permitting sliding of a ram therethrough;

Huang discloses a double-acting sealed cylinder having first and second ends; the first end being closed and the second end having an opening with a seal for permitting sliding of a ram therethrough; (fig. 1).

It would have been obvious to use Huang's double acting cylinder with Resk's device, as it is well known as taught by Resk, to use a double acting cylinder for providing a bi-directional resistance.

Resk further discloses the first end of the cylinder connected centrally on the first bar (37); a ram having a piston mounted in the cylinder and having a piston rod

connected at a first end to the piston (fig. 2), the piston rod extending through the second end of the cylinder and having a second end connected centrally on the second bar (fig. 2).

Huang further discloses resistance provided between the piston and the first and second ends of the cylinder for resisting movement of the piston and piston rod toward the first end and toward the second end with respect to the cylinder for moving the ram and increasing force in a fluid medium in one end of a cylinder and forcing fluid from the one end of the cylinder to the other end (col. 1, lines 49 – et seq.); a passage between the ends of the cylinder and a restriction in the passage for controlling flow of fluid between opposite ends of the cylinder; gripping handles, relatively moving handles away from and toward each other and directly forcing a ram directly connected to one of the handles into and out of a hydraulic or pneumatic cylinder directly connected to the other one of the handles and moving hydraulic or pneumatic fluid from one end to the other end of the cylinder with the relative movement of the handles and of the ram and the cylinder (col. 2, lines 41 – et seq.); a grip provided on one of the bars for gripping the one bar with one or two hands of a user (16); and positions provided on another one of the bars for holding the other bar with one or both hands or with body members (18).

Huang further discloses a fluid in the cylinder on opposite sides of the piston, and wherein the resistance comprises resistance to flow of fluid between opposite sides of the piston as the piston is moved through the cylinder (col. 1, lines 49 – et seq.), fluid in the cylinder on opposite sides of the piston (col. 1, lines 49 – et seq.), and wherein the resistance comprises resistance to flow of fluid between opposite sides of the piston as

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the piston is moved through the cylinder (col. 1, lines 49 – et seq.), the resistance is adjustable by varying flow rate of the fluid between the opposite sides of the piston (col. 5, lines 51 – et seq.), the fluid is oil and the cylinder is a hydraulic cylinder (col. 2, lines 49 – et seq.).

Resk discloses the resistance is variable in response to varying force between the bars for extending the piston rod from the cylinder and moving the piston rod into the cylinder (col. 3, lines 54-60), the resistance is variable in response to varying speed between the bars for extending the piston rod from the cylinder and moving the piston rod into the cylinder (col. 3, lines 54-60), the fluid is air and the cylinder is a pneumatic cylinder (abstract), a flow passage between sides of the piston and a restrictor on the passage for restricting flow (abstract), the restrictor is adjustable (abstract).

The method claims 11-20 are inherent in the corresponding apparatus claims and are rejected for the reasons above.

Allowable Subject Matter

The indicated allowability of claim 10 is withdrawn in view of the newly discovered reference(s) to Huang. Rejections based on the newly cited reference(s) follow.

Claim 10 is rejected under 35 U.S.C. 102(b) as being anticipated by Huang in view of Resk.

Huang further discloses a double-acting sealed hydraulic or pneumatic cylinder having opposite first and second ends (fig. 1), the first end being closed and the second

end having an opening with a seal for permitting sliding movement of a ram therethrough (fig. 1), and having fluid sealed in the cylinder (col. 2, lines 49 – et seq.); a ram mounted in the cylinder (fig. 1), the ram having a piston on a first end disposed within the cylinder (fig. 1), and the ram having a second end extending from the cylinder for moving the ram and increasing force in a fluid medium in one end of a cylinder and forcing fluid from the one end of the cylinder to the other end (col. 2, lines 49 – et seq.); a passage between the ends of the cylinder and a restriction in the passage for controlling flow of fluid between opposite ends of the cylinder ; a first mounting ring (22) on the first end of the cylinder; a second mounting ring (51), on the second end of the ram.

Huang does not disclose a first handle extending through the first mounting ring and having opposite equal length ends of the first handle on opposite sides of the first ring; and a second handle extending through the second ring and having opposite equal length ends of the second handle on opposite sides of the second ring and foam padded handle grips, each respectively mounted on the ends of the first and second handles.

Resk discloses handles mounted on the ends of rams.

It would have been obvious to use Resk's handles with Huang's device, as it is well known as taught by Resk, to mount handles on the ends of rams, and as Huang discloses using the rings for mounting (col. 2, lines 41-45), for providing a gripping means for a user.

Response to Arguments

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Glenn Richman/ whose telephone number is 571-272-4981. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LoAn Thanh can be reached on (571)272-4966. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Glenn Richman/
Primary Examiner
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